

**REMARKS**

In the final Office Action, the Examiner requires constructive election of previously examined, original claims 1-6, and withdraws claims 7-25 from consideration as being directed to a non-elected invention. For at least the following reasons, Applicants respectfully request reconsideration and withdrawal of the constructive election requirement.

At page 2 of the final Office Action, the Examiner withdraws claims 7-25 as allegedly directed to an invention that is independent or distinct from the invention originally claimed. Specifically, the Examiner asserts that claims 7-25 are directed to a voice over digital subscriber line (VoDSL) communication system that differs from the originally claimed, DSL terminal-exchange device connecting system. Applicants respectfully disagree.

M.P.E.P. § 821.03 allows imposition of a constructive restriction requirement, where subsequently presented claims are directed to an invention “distinct from and independent of” the invention previously claimed. (37 C.F.R. § 1.145 (emphasis added)). M.P.E.P. § 806.06 provides that, for purposes of restriction practice, inventions as claimed are independent “if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation, and effect.” For at least the following reasons, Applicants respectfully submit that claims 7-25 are neither distinct from nor independent of original claims 1-6 (which have been canceled by previous amendment) and, as such, constructive restriction of claims 7-25 pursuant to 37 C.F.R. § 1.145 is improper.

Original claim 1 is directed to a DSL (digital subscriber line) terminal-An Exchange device connecting system in which the exchange device has a VMG (voice media gateway) for terminating an ATM cell which is multiplexed on the DSL. Original claim 6 is directed to a DSL terminal-An Exchange device connecting method in which an exchange device terminates a

voice packet transmitted as multiplexed over a DSL. Applicants submit that the nine-page, originally-filed specification is replete with references to the relationship between the originally claimed DSL terminal-exchange device connecting system/method and voice data/VoDSL. For example, page 1, lines 7-11 provides that the “present invention relates to a DSL terminal-An exchange device connecting system and method . . . that uses a VoDSL technology to transfer voice data in a packet through a DSL.” ((emphasis added) See also Abstract; page 3, line 17 – page 4, line 6; and Figs. 1 and 3). Moreover, Applicants note that voice data/VoDSL was considered by the Examiner in previously examining original claim 6, the Examiner characterizing Fig. 4 as disclosing “a VoDSL (Voice over DSL) technology that can be used in a voice communication service. A DSL terminal-An exchange device 101 is accommodated for voice data transmission . . . .” (non-final Office Action dated August 8, 2005, at paragraph bridging pp. 3 and 4 (emphasis added)).

In comparison, independent claim 7 is directed to a network device to connect to a DSL. The network device includes a VMG to terminate multiplexed voice data received via the DSL. Meanwhile, claim 1, for example, recites, *inter alia*, an exchange device 3 having a VMG 4 for terminating an ATM cell which is multiplexed over DSL 5. (See Fig. 1). In other words, voice data from a subscriber telephone 2 is converted into the ATM cell which is then transferred via xDSL 5 and terminated at VMG 4. (page 6, lines 5-9). Thus, claim 7, while not identical in scope, bears a clear relation to original claims 1-6, namely, a device including a VMG to terminate multiplexed voice data received via the DSL. Accordingly, Applicants respectfully request the withdrawal of the restriction requirement as to claim 7 and, thus to claims 8-12 which depend from claim 7.

Independent claim 13 is directed to a VoDSL communication system. The VoDSL communication system includes means for extracting voice data from a received VoDSL signal; means for dividing the extracted voice data into a voice signal and a call control signal; means for processing the voice signal into voice packets; means for converting the call control signal into control data; means for converting the control data into data in a control interface format; and means for selectively multiplexing and demultiplexing the data in the control interface format and the voice packets for transfer to a control unit via a control unit interface.

Meanwhile, claim 3, for example, recites, *inter alia*, a VMG 4 including an AAL processing unit 9 for dividing ATM cells terminated at a DSL-IF terminating unit 7 to a voice signal cell and a call control cell; a DSP 13 for converting an ADPCM data of the voice signal cell; and a MUX/DMUX 14 for multiplexing the voice signal cell converted by DSP 13 and the call control signal cell. (Fig. 2). Thus, claim 13, while not identical in scope, bears a clearly relation to original claims 1-6, namely, means for extracting voice data from a received VoDSL signal; means for dividing the extracted voice data into a voice signal and a call control signal; means for processing the voice signal into voice packets; and selectively multiplexing and demultiplexing the data in the control interface format and the voice packets. Accordingly, Applicants respectfully request the withdrawal of the restriction requirement as to claim 13.

Independent claim 14 is directed to an exchange device. The exchange device includes logic to receive multiplexed voice data from an integrated access device (IAD) via a DSL and directly terminate the received multiplexed voice data. Meanwhile, claim 1, for example, recites, *inter alia*, a DSL subscriber terminal (e.g., telephone) 2, an IAD 1 connected to DSL subscriber terminal 2, and a DSL 5 between IAD 1 and an exchange device 3 having a VMG 4' which terminates an ATM cell that is multiplexed on DSL 5. (See Fig 3). In other words, DSL

5 is connected between exchange device 3 and IAD 1 to which DSL subscriber terminals 2-1 through 2-n are connected, and exchange device 3 is equipped with VMG 4' for terminating an ATM cell multiplexed over DSL 5, such that a voice packet transmitted as multiplexed over the DSL 5 is directly terminated at exchange device 3. (Abstract). Thus, claim 14, while not identical in scope, bears a clear relationship to original claims 1-6, namely, logic to receive multiplexed voice data from an IAD via a DSL. Accordingly, Applicants respectfully request the withdrawal of the restriction requirement as to claim 14 and, thus to claims 15-20 which depend from claim 14.


Independent claim 21 is directed to a method. The method includes receiving voice data via a DSL and terminating the received voice data using a VMG. As noted above, claim 1, for example, recites, *inter alia*, an exchange device 3 having a VMG 4 for terminating an ATM cell which is multiplexed over DSL 5. (See Figs. 1). A DSL 5 is connected between an exchange device 3 and an IAD1 to which DSL subscriber terminals 2-1 through 2-n are connected, and the exchange device 3 is equipped with a VMG 4 for terminating an ATM cell multiplexed over the DSL 5, a voice packet transmitted as multiplexed over the DSL 5 is directly terminated at the exchange device 3. (page 6, lines 5-9). Thus, claim 21, while not identical in scope, bears a clear relationship to original claims 1-6, namely, receiving voice data via a DSL and terminating the received voice data using a VMG. Accordingly, Applicants respectfully request the withdrawal of the restriction requirement as to claim 21 and, thus to claims 22-25 which depend from claim 21.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the restriction requirement and proper examination of claims 7-25.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:   
\_\_\_\_\_  
Garth D. Richmond  
Reg. No. 43,044

11350 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800  
Customer Number: 44987  
Date: December 30, 2005